

**TOWN OF DUNE ACRES  
COUNCIL MINUTES  
for May 17, 2005**

The Town of Dune Acres Town Council met for its regular monthly meeting on Tuesday, May 17, 2005, at the Town Hall.

Town Council President Louise Roberts called the meeting to order at 7:04 p.m. with Councilpersons Benjamin Bolton and John Wilhelm, Town Attorney Dan Whitten, and Town Clerk-Treasurer Anne Hiestand in attendance.

Council President Louise Roberts opened the meeting with the Pledge of Allegiance.

**APPROVAL OF THE MINUTES:**

Councilperson John Wilhelm made a motion to approve the minutes of the April 19<sup>th</sup> meeting as presented. Councilperson Benjamin Bolton seconded the motion and it was unanimously approved.

**FINANCIAL REPORT FOR THE TOWN OF DUNE ACRES AND WATER UTILITY AS OF APRIL 30, 2005:**

|  |                     |
|--|---------------------|
| City Savings CD 1  | \$5,227.15          |
| City Savings CD 2  | \$3,475.99          |
| Bank One Checking Account (changed to High Balance Savings)          | \$182,442.35        |
| Bank One Money Market Account (closed added to High Balance account) | \$0.00              |
| First State Bank of Porter Checking Account                          | <u>\$253,047.89</u> |
|  | \$444,193.38        |

Councilperson John Wilhelm moved to accept the financial report as of April 30, 2005. Councilperson Benjamin Bolton seconded the motion and it was unanimously approved.

**PAYMENT OF CLAIMS:**

Councilperson Benjamin Bolton moved to accept the claims as presented, which motion was seconded by Councilperson John Wilhelm and unanimously carried.

|                     |               |            |
|---------------------|---------------|------------|
| Andrew W. Belsha    | April Payroll | \$826.08   |
| Atha W. Belsha      | April Payroll | \$1,025.54 |
| Raymond C. Friday   | April Payroll | \$164.63   |
| Anne Hiestand       | April Payroll | \$378.50   |
| David W. Kristophel | April Payroll | \$647.87   |

|                                     |   |             |
|-------------------------------------|---|-------------|
| Philip A. Lepley                    | April Payroll                             | \$1,206.05  |
| Nick Markovich                      | April Payroll                             | \$886.30    |
| Terry R. Trout                      | April Payroll                             | \$590.70    |
| Garrett L. Tyrrell                  | April Payroll                             | \$830.04    |
| Bank One                            | Payroll Liability Check                   | \$1,803.38  |
| Indiana Dept. of Revenue            | Payroll Liability Check                   | \$305.29    |
| ILMCT                               | State Board of Accounts                   | \$75.00     |
| Sue Smith                           | School Clubhouse washout and clean up day | \$12.82     |
| Sue Smith                           | Sprayer Backpack & Harness                | \$154.62    |
| Leatherwood, Inc.                   | Vic Hood Expenses                         | \$1,200.00  |
| Preservation Development Inc.       | Duncan Campbell Expenses                  | \$916.99    |
| Keystone Consulting                 | PC Anywhere host only                     | \$127.00    |
| Able Disposal                       | Monthly garbage service                   | \$26.52     |
| NIPSCO                              | Gas & electric                            | \$191.39    |
| ILMCT                               | Anne's annual dues                        | \$40.00     |
| Datagraphics                        | Ordinance Books                           | \$98.56     |
| Frontier Lawn & Recreation, Inc.    | Lawnmower supplies                        | \$22.31     |
| Indiana Assn. of Building Officials | Annual dues John Sullivan                 | \$40.00     |
| Nextel                              | Monthly Service                           | \$64.80     |
| Verizon North                       | Monthly phone                             | \$137.87    |
| Pinkerton Fuels & Lubricants        | Monthly gasoline for vehicles             | \$87.94     |
| Bank One Credit Card                | Blinds from JC Penney                     | \$158.55    |
| Indiana American Water Co.          | Gatehouse bi-monthly water                | \$37.19     |
| Hopkins Ace Hardware                | Supplies and equipment                    | \$74.47     |
| Ben Bolton                          | Volunteer Party                           | \$200.83    |
| Ben Bolton                          | Fireworks Letter                          | \$11.36     |
| Martin & Sons, Inc.                 | New Septic system                         | \$6,869.03  |
| Raymond C. Friday                   | Use of truck in April                     | \$23.52     |
| Interstate Rentals                  | Bobcat 4/27/05-5/4/05                     | \$1,322.00  |
| John Wilhelm                        | Reimburse D2 Land & Water Resource        | \$70.00     |
| J.F. New Native Plant Nursery       | Seeds                                     | \$225.65    |
|                                     |   | \$20,852.80 |

#### CORRESPONDENCE:

Council President Louise Roberts reported that the Town had received 27 letters including 14 from Town residents concerning the recent efforts by Town residents Mary Elizabeth and Peter Brown of 24 Summit Drive to close the trail leading west from Summit Drive across Lot 5 of the property owned by the Browns. Council President Roberts said that research has shown that there was no recorded easement across Lot 5 and that while there was a consensus that the trail was a wonderful amenity, the Council had been advised by its attorney that the Town had no authority to intervene in a dispute between private property owners.

Town resident Jane Heenan of 7 Summit Drive suggested that an easement be given to the Town or that residents of the Town cooperate to purchase an easement across Lot 5. Council President Roberts stated that the resolution would have to be arrived at by the Browns and interested residents.

Town resident Albert Crewe, 8 Summit Drive, stated that prior conflicts between residents such as the Jet Ski Issue had been successfully resolved by working through committees meeting to work out differences and a compromise solution. Mr. Crewe also suggested reviewing old maps to see what easements if any had been recorded throughout the Town.

Town Attorney Dan Whitten stated that it was not the Town's role to get involved in private property owner disputes. Town resident Terry Hiestand, 2 Fern Lane, pointed out that only the Town has the power of eminent domain which could be utilized to condemn an easement across Lot 5. Town resident Barbara Plampin of 18 East Road suggested that the trail could be rerouted across Park property south of Lot 5. Council President Louise Roberts pointed out that unfortunately the terrain south of Lot 5 is quite steep. Mrs. Plampin suggested that there could be tax benefits to the Browns in donating an easement across Lot 5, that she and the late Mr. Plampin had been pleasantly surprised by the tax benefits of donating property to the Town.

Town resident Irving Call of 9 East Road stated that the establishment of an easement was a public matter. Mrs. Heenan stated that until recently it was not known that the trail crossed private property. Council President Louise Roberts stated that while the Town Council was sympathetic, its hands were tied. Albert Crewe reiterated the possibility of legal action in the absence of a negotiated solution.

## COMMISSION REPORTS

**FIRE:** Fire Commissioner Mark Hull was absent and no report was made.

**MUNICIPAL CODE:** Commissioner William Nixon reported interested Town residents and Town Attorney Dan Whitten would be meeting with a representative of Municipal Code Corporation concerning the initial draft of a revised Town Code at 9:00 a.m. on May 18<sup>th</sup> at the Town Hall. Commissioner Nixon stated that 168 pages had been prepared.

**ROADS:** Road Commissioner Irv Call reported that the Town had rented a bobcat for a week which was used to remove sand from the East Beach Parking area and East Road near the McLaughlin residence at 75 East Road. All paving work which had been authorized and quoted has been completed including some pothole work and repair of the Indiana American road cuts. The current plan is to have paving done on Clubhouse Drive and Pine Lane and defer work on Circle and Ridge Drives until next spring after the completion of additional Indiana American water main improvements. The Clerk-Treasurer reported that appropriations for 2005 had included \$11,000 for road maintenance and repair, \$22,000 in the motor vehicle highway fund of which approximately \$11,000 has been spent and

\$25,000 in the local road and streets fund. Road Commissioner Irv Call estimated that winter plowing supplies would cost about \$2,000 and that he planned to buy cheaper salt next year and endeavor to keep the amount of sodium released into the environment down. When asked about street sweeping, Commissioner Call advised that since only sand was left on the streets that he would like to save that money in order to spend it on additional paving. Commissioner Call advised that his plan was to try to defer any snow plowing bills from the latter part of 2005 to payment from the 2006 budget.

Park Commissioner Kellie Klein advised that a replacement of the large merry-go-round in the Park would cost \$4,000 and she inquired as to the cost of repairs for the currently disassembled unit and volunteered to paint it. It was established that the metal parts of the current unit are at the Maintenance Building but that the wood parts had been thrown away after sketches had been made and filed at the Maintenance Building. Maintenance Commissioner Bill Griffin advised that his research shows that park districts in the area don't have similar merry-go-rounds because of the inherent dangers and the serious liability questions.

Town resident Don Koehler, 20 Crest Drive, inquired as to the installation of the wind screens at the tennis court and was advised that they are presumably stored at the Town Hall and will be installed.

**BEACH COMMISSION:** Beach Commissioner was absent. There was no report.

**BUILDING COMMITTEE:** Building Commissioner John Sullivan reported that final occupancy permits had been issued for the Ebersole residence on Aspen Lane and the Hundt addition at 21 Lupine Lane and that other homes under construction were progressing appropriately.

**MAINTENANCE:** Maintenance Commissioner Bill Griffin was present and had nothing additional to report.

**POLICE:** Police Commissioner Cecilia Call reported that the new blinds for the Security Building have been ordered.

**ENVIRONMENTAL:** Environmental Commissioner Susan Smith reported that 33 people helped in the clean up and that six Town residents, John and Nancy Wilhelm, Rob and Sue Smith and Alex Cornwell, met the Friday night before to seed the washout area on the Clubhouse hill and install the biodegradable mats which were being purchased from the Richardson Wildlife Sanctuary. It appears the Town is getting closer to receiving a grant for the abatement of invasive bittersweet plants. In the meantime, Town employee Greg Livovich has been spraying garlic mustard. Maintenance Commissioner Bill Griffin reported that the pellets for mosquito abatement had been dispersed in standing water earlier in the year.

WATER: Councilperson Benjamin Bolton reported that he had met with Ed Nichols, Manager of Engineering for Indiana American Water Co., concerning the development of a bid package for the Circle Drive improvements.

## OLD BUSINESS

Town Attorney Dan Whitten suggested that the consideration of a new Vehicle Sticker Ordinance be deferred until the next meeting in order for the Town to consider the recommendations of the Municipal Corporation Code revision. Police Commissioner Cecilia Call suggests that the Town consider enforcing the Vehicle Sticker Regulations for vehicles parked on all Town properties and rights-of-way.

Tom Roberts, Structure Coordinator for the Clubhouse, reported that a new 1,000 gallon septic tank had been installed with a large field which includes three 100-foot laterals in accordance with the requirements of the State Board of Health. The Town had to install a grinder ejector pump after the old tank in order to lift the effluent up to the new tank and distribute into the new laterals. He stressed the importance of not driving vehicles on the new septic field and Councilperson John Wilhelm wanted to know if a barrier would be installed. Mr. Roberts said he really had not thought about a barrier other than dune grass planted and had not had an opportunity to develop a plan for a walk to the kitchen door. Maintenance Commissioner Bill Griffin said that he would ask the Town's Maintenance Employee, Ray Friday, to review those needs.

Councilperson John Wilhelm updated the Town Council on progress regarding the restoration of the Clubhouse. He reported that he and other residents of the Town had met with Preservation Specialists, Inc. director Duncan Campbell and National Lakeshore employee and architect specialist Judy Collins concerning the necessary repairs at the Clubhouse and that meeting with Vic Hood of Leatherwood Inc. from Tennessee was scheduled on May 23<sup>rd</sup> and 24<sup>th</sup>.

Commissioner Call also reminded the Town Council of the need to repair the towing signs at the Town beach areas.

## NEW BUSINESS:

Mary Ann Tittle, Chairman of the Historical Commission, reported that she and Commission Members Bill Jewett and Grace Millman have reviewed the suggestion that the Clubhouse be submitted for nomination to the National Register of Historic Places for a landmark status. The Commission determined that there were several positive aspects including the ability to apply for historic preservation funds which could match up to \$50,000 including in-kind contributions, and no negatives. Erica Taylor of the Calumet office of the Historic Landmarks Foundation of Indiana volunteered to help with the application for the nomination especially if she has an intern available to assist in that process. Upon inspecting the Clubhouse, Erica Taylor observed that such buildings had not necessarily been built to last but to service the traffic of the time, which may explain why the historical commission had not been able to identify an architect of the original

structure. Councilperson John Wilhelm moved to proceed with the nomination process. Councilperson Benjamin Bolton seconded the motion which was unanimously passed.

The Clerk-Treasurer read Resolution 2000-3, resolution for 2005 vacation pay for Town employees. It was noted that two Town employees, Terry Trout and Nick Markovich, had completed 20 years of service. Councilperson John Wilhelm moved the adoption of the resolution which motion was seconded by Councilperson Benjamin Bolton and unanimously carried.

## RESOLUTION 2005-03

### 2005 VACATION PAY RESOLUTION

**BE IT RESOLVED** by the Town Council of the Town of Dune Acres to authorize vacation pay to hourly employees with continuous service as follows:

|   |                      |
|---|----------------------|
| Andrew W. Belsha, 2 year service security     | 1 week vacation pay  |
| Raymond C. Friday, 2 year service maintenance | 1 week vacation pay  |
| David Kristophel, 2 year service security     | 1 week vacation pay  |
| Philip A. Lepley, 3 year service security     | 2 week vacation pay  |
| Atha W. Belsha, 4 year service security       | 2 week vacation pay  |
| Garrett R. Tyrrell, 4 year service security   | 2 week vacation pay  |
| Nick Markovich, 20 years service security     | 4 weeks vacation pay |
| Terry Trout, 20 years service security        | 4 weeks vacation pay |

Average week's compensation will be computed by dividing the total number of hours employee worked during the preceding year ended December 31 by number of weeks worked. This factor will be multiplied by the hourly wage for 2005.

Said vacation pay will be paid on the 14<sup>th</sup> of June, 2005 providing said employee is still employed by the Town of Dune Acres on that date.

Adopted this 17<sup>th</sup> day of May 2005.

Town resident, Susan Smith, modeled the “hug” scarves that had been sewn by Town residents. Nancy Wilhelm spearheaded the project which she found instructions for on the internet. Jean Tonner, Brunnie Wahlers, Grace Millman, Shireley Hull and Susan Smith met at the Wilhelms’ residence and made forty-eight of the scarves which include polymer beads which absorb water have been sent to the troops in Iraq. Captain Jeff Smith reported to his mother Sue that they work well. Someone inquired as to the meaning of the term HUA used on the Town message board to acknowledge packages sent to the troops and Town resident Tom Roberts stated that it is the abbreviated form of “Heard, Understand, and Acknowledged”.

The recommended form of signs notifying of water pollution dangers at the beach were reviewed and no action was deemed necessary.

Town resident Cecilia Call said that it would be a convenience to Town residents if there could be a porta-potty near Ridge Beach. Park Commissioner Kellie Klein reported that she had ordered two porta-potties for use at the East Beach in order to handle traffic for the Town's Fourth of July celebration on July 2<sup>nd</sup>. Councilperson John Wilhelm suggested that Commissioner Klein confer with Town resident Bonnie Thomas of 22 Ridge Drive before locating a porta-potty unit for Ridge Beach.

There being no further business, the Meeting as adjourned at 8:23 p.m. on motion duly made and seconded.

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Louise Roberts, Town Council President

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John Wilhelm, Town Council Member

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Benjamin Bolton, Town Council Member

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Anne Hiestand, Clerk-Treasurer